

REMARKS

By this Amendment, a new title is added in conformance with the outstanding Office Action's suggestion and claims 1, 10, 11 and 12 are amended to merely clarify the recited subject matter. Claims 1-12 are pending.

The Office Action rejected claims 10 and 12 under 35 U.S.C. 102 as being anticipated by Hummelgren et al. (U.S. 6,307,845; hereafter "Hummelgren") and rejected claims 1-8 and 11 under 35 U.S.C. 103 as being unpatentable over Hummelgren in view of Fuller et al. (U.S. 6,545,589; hereafter "Fuller"). Applicant traverses these rejections because Hummelgren, analyzed individually or in combination with Fuller, fails to disclose, teach or suggest all of the features recited in the rejected claims.

For example, the cited prior art fails to disclose, teach or suggest a method for handling a call made by subscriber A using a subscriber terminal comprising "providing said subscriber terminal of the subscriber A with at least one AV source for providing audio and/or visual information to said subscriber terminal of the subscriber A; offering a plural number of alternative AV sources to subscriber A when subscriber B is unable to answer; receiving information about the AV source chosen by subscriber A; and connecting the terminal used by subscriber A, or an AV part of the terminal, to the AV source chosen by subscriber A for the time subscriber A waits for subscriber B to answer or to become available, after which the call is connected between subscribers A and B," recited in independent claim 1 and its dependent claims.

Similarly, the cited prior art fails to disclose, teach or suggest a telephone system "wherein the system comprises a plural number of alternative audiovisual sources of which at least one is arranged in said terminal used by subscriber A, and that the connecting means are arranged to connect the terminal of subscriber A to the AV source chosen by subscriber A when subscriber B is unable to answer," as recited in independent claim 4 and its dependent claims, or a subscriber terminal of a telephone system, the subscriber terminal comprising "a telecommunications part, an AV part and a user interface, wherein the telephone apparatus also comprises an audiovisual source and connecting means for connecting the AV part to the AV source in response to control signals relayed from other parts of the telephone system to indicate that subscriber B is unable to answer," as recited in independent claim 10 and its dependent claims.

The Office Action asserted that Figure 3 of Hummelgren teaches a telephone apparatus comprising an AV part, an AV source and connecting means for connecting the AV part of the telephone apparatus to the AV source in response to signals that indicate that subscriber B is unable to answer; however, that "apparatus" is actually a telephone network. Therefore, Hummelgren fails to disclose a subscriber terminal rather than a telephone network including the recited features of claims 10 and 12.

Further, regarding dependent claim 12, the Office Action asserted that Hummelgren (col. 2, lines 30 - 62 and Fig. 3) discloses that the AV source is a radio. However, that portion of Hummelgren, and Hummelgren generally, fails to disclose, teach or suggest a solution where connecting means connect an AV part of a subscriber terminal to a radio in response to signals that indicate that subscriber B is unable to answer, as recited in dependent claim 12. Therefore, the subject matter of claim 12 is patentable over Hummelgren for this additional reason.

The Office Action also asserted that Fig. 4 and col. 2 line 59 - col. 6 line 49 of Hummelgren disclose the providing the subscriber terminal of subscriber A with at least one AV source. However, the Office Action indicated that the AV source of subscriber A was IH of Fig. 3. However, the IH is not provided with an AV source for providing audio and/or visual information to said subscriber terminal of the subscriber A.

Further, the Office Action asserted that Fig. 4 and col. 2, line 59 - col. 6, line 49 teaches offering a plurality of alternative AV sources to subscriber A, and that col. 3, lines 24 - 67 teaches connecting the terminal used by subscriber A, or its AV part to the AV source chosen by the subscriber. However, Hummelgren fails to teach or suggest that subscriber A (IH) would be given the option to select an AV source when subscriber B (MS/DTE) is unable to answer, and that such a selection would be used in the connecting to an AV source.

Rather, Hummelgren clearly teaches that it is advantageous to let the GPMSC 32, an exchange in the network, make the selection which is used to carry out the connecting, as clearly taught by col. 2, lines 59 - 60, col. 3 ,lines 24 – 27 and col. 4, lines 35 - 39. Those passages teach that, if at 23 (in Fig. 4), the mobile subscriber is busy, then the GPMSC 32 can respond by executing any one of five exemplary procedures designated B,

C, D, E and F. The explanations relating to those five alternatives indicate the conditions when the GPMSC selects the respective alternative and what actions it carries out.

However, Hummelgren fails to teach or suggest that the calling subscriber A could affect this selection.

Finally, the Office Action asserted that Fig. 7, step 703 and col. 20 lines 14 - 20 of Fuller taught that it is advantageous to receive information from the originated subscriber and to use this information to let the originated subscriber select the AV source. Indeed, those parts of Fuller teach that a subscriber may define how an incoming call is handled when the subscriber B is unable to answer. However, Fuller teaches away from the claimed invention by suggesting that it is advantageous to let the subscriber B make the selection, and not the calling subscriber A as in the claimed invention (see, Fuller, col. 20, lines 14 – 40). Fuller’s examples merely relate to call forwarding, screening and announcing which subscriber B can define for incoming calls; however, according to the teachings of Fuller, call forwarding cannot be selected by the calling subscriber A (who would not know where the call should be forwarded). Further, Fuller fails to teach or suggest letting subscriber A select an announcement for himself, when subscriber B can not answer.

Thus, one of ordinary skill in the art would not have arrived at the claimed invention even by combining the teachings of Hummelgren and Fuller because neither reference teaches or suggest a solution where at least one AV source is arranged in a subscriber terminal of a calling subscriber A, and because neither reference teaches or suggests a solution where the calling subscriber is given the option to select the AV source to be connected to when subscriber B is unable to answer. Accordingly, claims 1-12 are allowable.

All prior art rejections having been traversed, Applicant submits that the application is in condition for immediate allowance and requests that a Notice be issued to that effect. If anything remains necessary to place the application in condition for allowance, Applicant requests that the Examiner contact Applicant’s undersigned representative.

Please charge any fees associated with the submission of this paper to Deposit Account Number 033975. The Commissioner for Patents is also authorized to credit any over payments to the above-referenced Deposit Account.

Respectfully submitted,

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